

## Remember

- All waste should be stored and disposed of responsibly
- Waste should only be handled or dealt with by individuals or businesses that are authorised to deal with it
- A record must be kept of all waste received or transferred through a system of signed Waste Transfer Notes (WTN)
- A business may not take waste home from work to put in a household waste bin
- The Council may prosecute businesses that:
  - ✗ fail to look after their waste properly
  - ✗ fail to record waste transfers appropriately with a waste transfer note
  - ✗ pass their waste to an unregistered carrier for disposal
- Waste should be kept on your property until your agreed collection time

## Waste carriers

If you carry controlled waste to or from any place in Great Britain as part of your business you will generally need to be registered as a Waste Carrier.

**Not to be registered when required is an offence which can result in an unlimited fine.**

Please check the latest guidance on the Environment Agency website to see if these regulations apply to your business.

## Find Out More

Visit: [www.gov.uk](http://www.gov.uk) to view 'Waste Duty of Care: Code of Practice'

[www.keepbritaintidy.org](http://www.keepbritaintidy.org)

[www.testvalley.gov.uk/businesswaste](http://www.testvalley.gov.uk/businesswaste)

[www.testvalley.gov.uk/scrapmetal](http://www.testvalley.gov.uk/scrapmetal)

**Test Valley Borough Council**

Environmental Service

Telephone:

**01264 368000**

or **01794 527700**

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[environmentalservice@testvalley.gov.uk](mailto:environmentalservice@testvalley.gov.uk)



# Duty of Care

## Your Business Waste Responsibilities



In accordance with the Environmental Protection Act 1990 and the Control of Pollution Act 1974

# Duty of Care

## Your Business Waste Responsibilities

If you run a business, it is very likely that the Waste Duty of Care will apply to you. All commercial, industrial and household wastes are classified as 'controlled waste' which means that any waste materials produced as part of your business or within your workplace are regulated by law.



### What is the Duty of Care?

As a business, you have a duty to ensure that any waste you produce is handled safely and in accordance with the law: This 'Duty of Care' applies to anyone who produces, imports, carries, keeps, treats or disposes of controlled waste from business or industry. Anyone you pass your waste on to, such as a waste contractor, scrap metal merchant, recycler or skip hire company, must also be authorised to take it.

If you breach the regulations or your waste is illegally disposed of, you could be held responsible. The Duty of Care has no time limit, and extends until the waste has either been finally and properly disposed of or fully recovered.

### How does it affect me?

You and/or your business have a duty to take all reasonable measures to:

- prevent anyone keeping, depositing, disposing of or recovering your 'controlled waste' without the necessary authorisation and a valid waste management licence
- ensure materials are contained appropriately and do not escape your control
- only transfer waste to an authorised person or organisation and ensure that it is accompanied by a written description (a Waste Transfer Note) so that anyone receiving it will dispose of it within their own duty of care.

### Waste Transfer Notes (WTN)

A waste transfer note is supplied to you by your waste contractor and it must contain the following details:

- your company details
- type and quantity of waste
- method of waste containment
- time, date and location of waste collection
- details of the company collecting the waste

### Enforcement

Local authorities are empowered to visit businesses to ensure they are demonstrating appropriate waste management duty of care, possess a valid waste contract and have copies of Waste Transfer Notes for the last two years.

Failure to comply with your Duty of Care is a criminal offence which may result in a **£300** Fixed Penalty Notice. If significant breaches occur, a prosecution may be sought which carries an **unlimited fine**.

### Hazardous Waste

If you produce or deal with waste that has certain hazardous properties, you will also have to comply with additional legal requirements for their controlled management and disposal.



If you are unsure whether you have hazardous waste or if these laws apply to you, visit:

[www.gov.uk/dispose-hazardous-waste](http://www.gov.uk/dispose-hazardous-waste),  
email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
or call **03708 506506**

(Monday to Friday 8am to 6pm)

### Scrap Metal Dealers

If you sell scrap metal regularly 'with a view to profit', then you should be registered as a **collector**.

Visit: [www.testvalley.gov.uk/scrapmetal](http://www.testvalley.gov.uk/scrapmetal)  
for more information.

For more information on waste responsibilities and recycling visit  
[www.testvalley.gov.uk/waste](http://www.testvalley.gov.uk/waste)